

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

RAILEN JANAI WHEELER,

Defendant.

NO. CR18-0132 RAJ

ORDER DENYING DEFENDANT'S  
MOTION FOR EXTENSION OF TIME  
TO FILE § 2255 MOTION

This matter comes before the Court on Defendant Railen Janai Wheeler's Motion for Extension of Time to File a Motion to Vacate, Set Aside, or Correct a Sentence Pursuant to 18 U.S.C. § 2255. Dkt. 816. Having considered the motion, the government's response, and the files and pleadings herein, the Court finds as follows:

The Court agrees with the government's analysis that this Court lacks jurisdiction to consider defendant's motion. Until an actual petition is filed, there is no "case or controversy" that allows the Court to consider a motion to extend a deadline. Should defendant file a petition under § 2255, the Court can then consider whether (1) the petition is untimely, and (2) if not, whether grounds exist to allow the extraordinary remedy of equitable tolling to excuse the untimely filing.

For the reasons set forth above, the Court hereby **DENIES** defendant's motion.

DATED this 20th day of July, 2020.



The Honorable Richard A. Jones  
United States District Judge